

**NOT FOR PUBLICATION**

**CLOSED**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MIDOIL USA, LLC,

Petitioner,

v.

ASTRA PROJECT FINANCE PTY LTD.,

Respondent.

Civil Action No.: 12-5318 (JLL)

**ORDER**

**THIS MATTER** comes before the Court by way of the filing of a Petition to Compel Arbitration, pursuant to the Federal Arbitration Act, 9 U.S.C. § 4. This Court had referred Petitioner's motion to compel arbitration (and Respondent's cross-motion to stay arbitration) to the Honorable Michael A. Hammer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636 (b)(1)(B). Magistrate Judge Hammer filed a Report and Recommendation in connection with the parties' applications on October 5, 2012. In particular, Magistrate Judge Hammer recommended that the undersigned deny Petitioner's motion to compel arbitration and dismiss the action. Having reviewed the Report and Recommendation, and having received no objection thereto, and for good cause shown,

**IT IS** on this **24<sup>th</sup> day of October, 2012,**

**ORDERED** that the Report and Recommendation of Magistrate Judge Hammer, filed on October 5, 2012 [CM/ECF Docket Entry No. 6], is hereby **ADOPTED** as the findings of fact and conclusions of law of this Court; and it is further

**ORDERED** that Petitioner's motion to compel arbitration is denied without prejudice and

the matter is hereby dismissed; and it is further

**ORDERED** that Respondent's motion to stay arbitration [Docket Entry No. 4] is denied as moot.

**IT IS SO ORDERED.**

**s/ Jose L. Linares**  
Jose L. Linares  
United States District Judge